

## **REMARKS**

Claims 12-14, and 23-33 are pending and rejected. Claims 12 and 32 are amended; no new matter has been added.

Applicants thank the Examiner for the courtesy of a personal interview on December 13, 2004, with Dr. Rajagopalan and its undersigned representative. Proposed claim amendments and the attached Declaration under 37 C.F.R. §1.132, herein submitted, were discussed during the interview, and applicants thank the Examiner for indicating these would be entered.

Applicants have complied with all points indicated in the Interview Summary, which are the only outstanding rejections. Applicants therefore believe this Amendment puts the application in complete condition for allowance and respectfully requests its entry.

Applicants have retained the Examiner's paragraph numbering in the May 21, 2004 Final Office Action in preparing this response.

## **CLAIM REJECTIONS UNDER 35 U.S.C. § 112**

5-6            Claims 12-14, 23-31 and 33 are rejected under 35 U.S.C. §112 ¶2 as indefinite, and Claim 32 is rejected under 35 U.S.C. §112 ¶2 as indefinite.

Applicants have amended claims 12 and 32 to define a univalent radical as a Markush group, as requested by the Examiner.

Further, as part of this Amendment, applicants submit a Declaration under 37 C.F.R. §1.132 of Dr. Rajagopalan. The Declaration and attached references establish that the structures of somatostatin receptor binding molecules, heat sensitive bacterioendotoxin receptor binding molecules,

neurotensin receptor binding molecules, bombesin receptor binding molecules, cholecystekinin receptor binding molecules, steroid receptor binding molecules, and carbohydrate receptor binding molecules are known to one skilled in the art.

Those references are as follows:

#### SOMATOSTATIN RECEPTOR

1. C. Nunn. European Journal of Pharmacology 2003, 465(3), 211-218.
2. R.T. Bass. Molecular Pharmacology 1996, 50(4), 709-715.

#### NEUROTENSIN RECEPTOR

1. D.A. Nugiel. Bioorganic and Medicinal Chemistry Letters 1995, 5(11), 1203-1206.
2. A. Sefler. Journal of Medicinal Chemistry 1995, 38(2), 249-257.

#### BOMBESIN RECEPTOR

1. D.H. Coy. Journal of Biological Chemistry 1991, 266(25), 16441-16448.
2. D.H. Coy. Journal of Biological Chemistry 1988, 263(11), 5056-5060.

#### CHOLECYSTOKININ RECEPTOR

1. E. Sugg. Journal of Medicinal Chemistry 1995, 38(1), 207-211.
2. A.R. Batt. Bioorganic and Medicinal Chemistry Letters 1994, 4(7), 867-872.

#### ST (HEAT-SENSITIVE BACTERIOENTEROTOXIN) RECEPTOR

1. S.A. Waldman. U.S. Patent No. 5,518,888 1996.
2. T. Okumura. Peptide Chemistry 1993, 31<sup>st</sup>, 217-220.

#### CARBOHYDRATE RECEPTOR

1. M. Mazik. Tetrahedron Letters 2004, 45(15), 3117-3121.
2. N. Kaila. Medicinal Research Reviews 2002, 22(6), 566-601.

## STEROID RECEPTOR

1. S.C. Conzen. Progress in Oncology 2003, 211-230.
2. G. Teutsch. Biochemical Society Transactions 1991, 19(4), 901-908.

In addition, applicants note their previously submitted references with regard to the identity of steroid receptor binding molecules.

Alberts et al., *Molecular Biology of the Cell*, 2nd Ed., chapter 18, pp. 1006, 1016-1017, and 1030, Garland Publishing, Inc., New York, 1989

Kuby, *Immunology*, W.H. Freeman and Co., New York, 1992, pp. 78-83

Stryer, *Biochemistry*, 3rd Ed., W.H. Freeman & Co., New York, 1988, pp. 62 and 890-893

Rohrer et al. (Science 282 (1998), pp. 737-740)

Cayanis et al. (J.Biol.Chem 261 (1986), pp. 5094-5103)

Licha et al. (SPIE 3600 (1999), pp.29-35);

Ballou et al. (Cancer Immunology and Immunotherapy 41 (1995) pp. 257-263);

Pèleguin et al. (J. Cell Pharmacol. 3 (1992, pp. 141-145)

Textbook of Biochemistry with Clinical Correlations, T.M. Devlin, John Wiley & Sons, New York, 1992, pp. 67 and 70-71

Applicants believe these rejections are overcome and respectfully request that they be withdrawn.

7. Claims 12-14, 23-31, and 32-33 are rejected under 35 U.S.C. §112 ¶1 as not enabled.

The above-referenced Rajagopalan Declaration and attached references clearly enable the claimed method, as required by the Examiner.

Thus, applicants believe this rejection is overcome and respectfully request that it be withdrawn.

8. Claims 12-14, 23-31, and 32-33 are rejected under 35 U.S.C. §112 ¶1 as not complying with the written description requirement.

The above-referenced Rajagopalan Declaration and attached references clearly describe the structures of E, as required by the Examiner. Thus, applicants believe this rejection is overcome and respectfully request that it be withdrawn.

9. Claims 12-14, 23-31 are rejected under 35 U.S.C. §112 ¶1 as not enabled. Applicants have amended independent claims 12 and 32 to require a photo procedure and omit therapy to overcome this rejection and respectfully request that this rejection be withdrawn.

10. Claim 31 was rejected under 35 U.S.C. §112 ¶1 as not complying with the written description requirement, but was recognized as moot by the finding that it refers to the target tissues and not the diseases to be treated.

### **CONCLUSION**

For the foregoing reasons, applicants submit that all the rejections have been overcome and that the application is in complete condition for allowance.

Applicants do not believe any fee is due with this submission.

Should any fee or surcharge be deemed necessary, the Examiner is authorized to charge fees or credit any overpayment to Deposit Account No. 23-3000.

The Examiner is invited to telephone applicants' undersigned representative if there are any questions.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

By Theodore R. Remaklus  
Theodore R. Remaklus  
Reg. No. 38,754

2700 Carew Tower  
441 Vine Street  
Cincinnati, Ohio 45202  
513 241 2324  
513 421 7269 facsimile